

COUNTY OF KAUAI  
Minutes of Meeting  
OPEN SESSION

Board/Committee:		Kaua'i Police Commission	Meeting Date	August 25, 2017
Location	Mo‘ikeha Building-Meeting Room 2A/B		Start of Meeting: 9:00 a.m.	End of Meeting: 11:26 a.m.
Present	Chair Mary K. Hertog; Vice Chair Gerald (Chip) Bahouth: Members: Savita Agarwal, Roy Morita, Kevin Mince, Catherine Adams, and Donald (Moki) Okami Sr. Also present: Boards & Commissions Office Staff: Administrative Specialist Lani Agoot, Administrator Paula M. Morikami; Office of the County Attorney: Deputy County Attorney Peter Morimoto; Police Department: Chief Darryl Perry			
Excused				
Absent				
SUBJECT	DISCUSSION			ACTION
Call To Order				Chair Hertog called the meeting to order at 9:00 a.m. with seven (7) members present constituting a quorum.
Chair's Comments	Chair Hertog asked if there was anyone in the public that wished to come forward to which there was no one. She then thanked Lt. Green for inviting Commissioner Morita and herself to address the Citizen's Police Academy, and invited the Commissioners to attend CPA's graduation next Thursday at 5:30 p.m. at the Kauai Police Department headquarters.			
Approval of the Minutes	<u>Regular Open Session Minutes of July 28, 2017</u>			Commissioner Adams moved to approve the meeting minutes. Commissioner Okami seconded the motion. Motion carried 7:0.
Chief's Monthly Reports	1. <u>Administrative and Technical Bureau</u> 2. <u>Investigative Services Bureau</u> 3. <u>Traffic and Patrol Services Bureau</u> 4. <u>Chief's Announcements and Pertinent Updates</u>			

SUBJECT	DISCUSSION	ACTION
	<p>Ms. Agarwal requested clarification regarding the Major Incidents/Notable Highlights, specifically the collaboration with the U.S. Marshals and whether it was a statewide program or something new that has been implemented. Assistant Chief of the Investigative Service Bureau Bryson Ponce explained that with the assistance of the U.S. Marshals and their technology, a task force goes throughout the islands apprehending high risk fugitives. Chair Hertog commented that the compliance rate was higher than she would have expected and asked AC Ponce if that was normal to which he said yes. He added that there is also a sex assault compliance team with the Attorney General's Office that they team up with that has a high compliance rate as well. Ms. Agarwal asked if there was any follow-up or treatment once juvenile sex offenders were released to their guardian. AC Ponce said that when a case is pending, the offending juvenile can participate, with the parent or guardian's approval, in the YWCA's Youth Sex Offender Treatment Program. He said it's a two-fold issue because often times although the juvenile is a suspect, they were a prior victim of sexual assault, adding that there is a multi-disciplinary team that recommends types of treatment for both the victim and the juvenile suspect.</p> <p>Chair Hertog asked Lt. Green to address the Commission's questions regarding the recruitment update, specifically the main reason applicants are being eliminated. Lt. Green clarified that there are a couple of areas, such as suitability, which is an overall primary reason, drug use, receiving a low rating on their pre-psychological test, inconsistencies in their personal history questionnaire, and numerous omissions or outright false information. Chair Hertog asked who conducted the background checks to which Lt. Green explained that 89-day hires process the background checks but don't disqualify applicants; their only responsibility is creating a report and submitting it to Sgt. Nonaka, who then submits her report to him for review. Once the review process is complete, a recommendation is made within the bureau and forwarded to the Chief and Deputy Chief. Chair Hertog said that based on the statistics in the report, 3/4 of the applicants fail to show up for the written test and asked Lt Green if he knew why. Lt. Green explained that KPD doesn't follow-up with the applicants that don't show up and are not even privy to the list of applicants who have applied until they get the list from</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Human Resources of applicants that passed the written test. He said he did address the feasibility of following up with applicants with Joyce Schuierer of HR and was told it wouldn't be practical to do so. He added that the applicants were constantly being monitored and their actions and inactions were always documented. If the applicant doesn't let Joyce know prior to the test date that they will not be able to make the test, they will be categorized as a no-show. There are also applicants that apply from the mainland and don't have the financial means to get to Kauai, and some applicants are on unemployment and need to show how many applications they have processed to stay on unemployment to receive benefits. He said in talking with other departments throughout the state, Kauai isn't unique to this issue; a lot of departments have the same amount of no-shows.</p> <p>Chair Hertog asked for clarification of KPD's drug use policy. Lt. Green stated that each county of the State of Hawaii has its own elimination standards which vary slightly. The Kauai Police Department has a progressive approach to their drug policy guidelines for their applicants that are consistent with federal guidelines. Chair Hertog inquired whether that will change if marijuana for recreational use is legalized to which Lt. Green said there have been discussions on this issue; however, he doesn't see KPD's standard changing.</p> <p>Ms. Agarwal asked for clarification on drug screening to which Lt. Green stated that all applicants are required to take a drug test; once they become officers there are random drug tests.</p> <p>Mr. Morita asked if KPD holds job fairs to which Lt. Green said they do. At various colleges, such as BYU, they hold career days at the schools, they have the Explorer Program to introduce younger students to law enforcement, and they are looking into starting a cadet program.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Ms. Adams commented that historically nursing has had peaks and valleys in recruitment and investing in high school academies and talking to high school students has helped. Lt. Green added that there is also the SRO (Student Resource Officer) Program.</p> <p>Vice Chair Bahouth questioned why only 13 out of 67 interested applicants showed up, saying he has known people who have applied online and didn't receive any response whether they were accepted or not and asked if there is an issue in the HR process. Lt. Green stated that he communicates regularly with Joyce Schuierer in HR and unfortunately that is the way it is. He added that they get a lot of people that reapply as well. Vice Chair Bahouth said if applicants were to get a response, it may keep them encouraged and engaged in the process and might get them to the test. Chief Perry suggested inviting HR to explain their process to the Commission.</p> <p>Lt. Green thanked everyone involved with the hiring process, especially Sgt. Nonaka for her diligence and hard work.</p> <p>Mr. Okami thanked Lt. Green and Sgt. Nonaka for their hard work, saying he appreciated the strict selective process. He asked if there were any television recruiting or announcements, saying that the work in the schools is paramount to enticing kids' interest. Lt. Green said KPD runs ads on the radio, online, and that he was currently in negotiations with Spectrum to re-air an existing commercial. Recently KPD advertised on recruiting websites theblueline.com and porac.org.</p> <p>Chief Perry thanked Sgt. Nonaka for her hard work and asked if she had anything she wanted to share. Sgt. Nonaka explained that recruits receive support from the very beginning of the process. If some of them fail, she tells them what they have to do to do better next time. The recruits are groomed on spelling, grammar, how to fill out their application, and how to dress when they meet with the psychologist. Sgt. Nonaka said the number of applicants has gone down nationwide. Chief Perry added that another issue they faced was keeping officers, saying that one of the biggest issues was</p>	

SUBJECT	DISCUSSION	ACTION
	<p>affordable housing. He is working with the Mayor and Housing to see if something can be worked out in one of the affordable housing areas.</p> <p>Chief Perry made the following announcements:</p> <ul style="list-style-type: none"> <li>• Chief Perry and Stg. Mullineaux are working with DOE to assess their vulnerabilities with respect to active shooters and assaulters to standardize their process. He said currently each school has their own process which could be a liability issue.</li> <li>• Chief Perry will meet with Peter Klune of Hawaii Health Systems to review and reaffirm the lease of the Kawaihau Substation.</li> <li>• Big Brothers and Big Sisters will meet with officers regarding volunteering for their program.</li> <li>• HDEA will vote on "case of the year" for 2016, of which there are 6 cases and the Kauai Police Department is one of the 6. The case involved the taking of 7 pounds of crystal methamphetamine, a loaded pistol, and \$2,753.00 in cash.</li> <li>• KPD will present the new Nexis Crime Mapping program to the Commission at a future meeting and to Council on September 13, 2017.</li> <li>• Chief Perry reported there have been 22 suicides on Kauai this year. He is scheduled to meet with the Suicide Prevention Task Force.</li> <li>• Judiciary is convening a task force to examine and make recommendations regarding criminal pre-trial practices and procedures to maximize public safety, court appearances, and maximize pre-trial release of the accused that are presumed innocent. They will be examining the way they do business with regard to having individuals post bail because it appears to be discriminatory. The primary concern for the public is the risk to society.</li> </ul>	
<p><b>Business</b> <b>KPC 2017-11</b></p>	<p><u>Public announcements for notarized complaints KPC 2017-004 and KPC 2017-005 that were filed with the Police Commission.</u></p> <p>Chair Hertog read Public Announcement for Notarized Complaint KPC 2017-004 and 2017-005 into the record.</p>	<p>Mr. Morita moved to receive KPC 2017-004 and KPC 2017-005. Ms. Adams seconded the motion. Motion</p>

SUBJECT	DISCUSSION	ACTION
		carried 7:0
<b>Announcements</b>	<p><u>Next Regular meeting- Friday, September 29, 2017, 9:00 a.m. at the Mo'ikeha Building, Meeting Room 2A/2B. Executive Session to follow.</u></p> <p>Chair Hertog reminded the Commission that the meeting date was changed due to several Commissioners attending the HSLEOA Conference.</p>	
<b>Executive Session</b>	<p>At 9:39 a.m. Vice Chair Bahouth cited the following Hawaii Revised Statutes to bring the meeting into Executive Session:</p> <p>Pursuant to Hawaii Revised Statutes §92-4, §92-5 (a) (2) and (4), the purpose of this Executive Session is for the Commission to review and discuss charges brought against an officer or employee of the County, where consideration of matters affecting privacy will be involved, provided that if the individual concerned requests an open meeting, an open meeting shall be held; and to consult with its attorney on issues pertaining to the Commission's and the County's powers, duties, privileges, immunities, and/or liabilities as they may relate to the following agenda items:</p> <p><u>ES KPC 2017-005</u> Monthly update on the status of the Department's disposition on formal notarized complaints that were filed with the Police Commission and forwarded to the Office of the Chief for further review.</p> <p><u>ES KPC 2017-006</u> Monthly update on any significant adverse incidents/events involving KPD personnel that could potentially impact the County, Police Commission and the Kauai Police Department.</p>	

SUBJECT	DISCUSSION	ACTION
	<p><u>ES KPC 2017-014:</u> Pursuant to Hawai‘i Revised Statutes §92-4 and §92-5 (a) and (4), the purpose of this Executive Session is to discuss the County of Kaua‘i Complaints Policy for Department Heads that can be removed by the County Boards and Commissions. This consultation involves consideration of powers, duties, privileges, immunities and/or liabilities of the Kaua‘i Police Commission as they may relate to this agenda item. (On-going)</p> <p><u>ES KPC 2017-016:</u> Notarized Complaint KPC 2017-003 received on April 21, 2017. The complaint alleges unethical use of county resources to participate in a private funeral motorcade. (On-going)</p> <p><u>ES KPC 2017-024:</u> Pursuant to Hawai‘i Revised Statutes §92-4, §92-5 (a) (4), §92-9 (a) (1-4) and (b), the purpose of this Executive Session is for the Commission to approve the Executive Session meeting minutes of July 28, 2017, and to consult with its attorney on issues pertaining to the Commission’s powers, duties, privileges, immunities, and/or liabilities as they may relate to this agenda item.</p> <p><u>ES KPC 2017-025:</u> Pursuant to Hawai‘i Revised Statutes §92-4 and §92-5 (a) (2) and (4), the purpose of this Executive Session is to discuss the Chief of Police Annual Job Performance Evaluation due on September 30, 2017, where consideration of matters affecting privacy will be involved provided that if the Chief requests an open meeting, an open meeting shall be held. And to consult with the Commission’s attorney on questions and issues pertaining to the Commission’s powers, duties, privileges, immunities, and liabilities as they may relate to this agenda item.</p>	

SUBJECT	DISCUSSION	ACTION
	<p><u>ES KPC 2017-026:</u> Pursuant to Hawai‘i Revised Statutes §92-4 and §92-5 (a) (2) (4) and (6), the purpose of this Executive Session is to confer with the Prosecuting Attorney regarding the processing of police reports and other sensitive matters related to public safety or security, and to consult with the Commission’s attorney on questions and issues pertaining to the Commission’s powers, duties, privileges, immunities, and liabilities as they may relate to this issue.</p> <p><u>ES KPC 2017-027:</u> Pursuant to Hawai‘i Revised Statutes §92-4 and §92-5 (a)(4) and (6), the purpose of this Executive Session is to consult with the Commission’s attorney regarding the processing of a police officer’s request for representation under Hawai‘i Revised Statutes §52D-8 and related matters. This briefing and consultation involves consideration of the Commission’s powers, duties privileges, immunities, and liabilities as they may relate to this matter.</p>	<p>Mr. Morita moved to go into Executive Session. Mr. Okami seconded the motion. Motion carried 7:0.</p> <p>At 9:48 a.m. the Commission entered into Executive Session.</p>
<p><b>Return to Open Session</b></p>	<p>At 11:24 a.m. the Commission reconvened in Open Session.</p> <p>Chair Hertog called for a motion to ratify the actions taken in Executive Session.</p>	<p>Ms. Adams moved to ratify the actions taken in Executive Session for the following items:</p> <p><u>ES KPC 2017-005 and ES KPC 2017-006:</u> Motion carried 7:0 to receive the monthly reports.</p> <p><u>ES KPC 2017-014:</u> Motion carried 7:0 to defer item ES KPC 2017-014 to the next meeting.</p> <p><u>ES KPC 2017-16”</u> Verbal report received.</p>



SUBJECT	DISCUSSION	ACTION
		<u>ES KPC 2017-024</u> Motion carried 7:0 to approve Executive Session meeting minutes of July 28, 2017.  <u>ES KPC 2017-025</u> Verbal report received.  <u>ES KPC 2017-026</u> Verbal report received.  <u>ES KPC 2017-027</u> Verbal report received.
<b>Adjournment</b>		Ms. Adams moved to adjourn the meeting. Mr. Morita seconded the motion. Motion carried 7:0.  At 11:26 a.m. the meeting adjourned.

Submitted by: \_\_\_\_\_  
Lani Agoot, Administrative Specialist

Reviewed and Approved by: \_\_\_\_\_  
Mary K. Hertog, Chair

(x ) Approved as circulated on September 29, 2017  
( ) Approved with amendments. See minutes of \_\_\_\_\_ meeting.